

**Electronic Case Filing**  
**Administrative Policies and Procedures Manual**  
**for the Southern District of Indiana**  
(Updated October 9, 2003)

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## **Introduction**

The United States District Court for the Southern District of Indiana permits attorneys appearing in all civil cases filed on or after July 1, 2002, to file documents with the Court from their own offices over the Internet (*pro se* litigants may file documents electronically upon order of the Court - *see* Comment to Local Rule 5.7). The Court strongly encourages parties and their counsel to participate in electronic filing. Parties and *pro se* litigants will be able to view dockets and some documents electronically through the PACER system, regardless of their participation in the Electronic Case Filing system.

## **1. Authorization for Electronic Filing**

Local Rule 5.4 authorizes electronic filing in conjunction with Federal Rule of Civil Procedure 5(e). The following policies and procedures govern electronic filing in this district unless, due to circumstances in a particular case, a judicial officer determines that these policies and procedures should be modified.

## **2. Definitions and Instructions**

The following definitions and instructions shall apply to these Electronic Case Filing Administrative Policies and Procedures:

- 2.1 The term “document” shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the Court.
- 2.2 The term “party” shall include counsel of record and a *pro se* litigant.
- 2.3 All hours stated shall be the Local Time of the division to which the case has been assigned (Local Rule 5.8).

## **3. Application of Rules and Orders**

Unless modified by order of the Court, all Federal Rules of Civil Procedure and Local Rules shall continue to apply to cases selected for electronic filing.

## **4. Selection of Cases**

Electronic filing by attorneys will be permitted in all civil cases filed with the Court on or after July 1, 2002. The parties are encouraged to express their interest in participating in the electronic filing process as early as possible. The parties may express their interest in participating by contacting:

Clerk of the Court:

Laura Briggs  
(317) 229-3705  
laura\_briggs@insd.uscourts.gov

The Electronic Case Filing Administrator:

Wendy Carpentier

(317) 229-3718

wendy\_carpentier@insd.uscourts.gov

or by advising the assigned judicial officer.

## **5. Criteria for Selection**

Electronic filing may be beneficial for a wide variety of cases. Cases best suited for electronic filing may include those in which:

- a. Parties filing or requiring service are reasonably identifiable;
- b. Parties filing or requiring service have or can acquire access to a computer, the Internet, and, where necessary, a scanner; and
- c. The number and/or size of documents that are likely to be scanned before they are electronically filed is not unreasonable. While scanned documents can be electronically filed, numerous or voluminous documents that need to be imaged may be cumbersome to create, transmit or retrieve. Computerized textual documents (*i.e.* documents created using traditional word processing software and subsequently converted to portable document format), however, may be nearly unlimited in size, subject to Local Rules or Orders regarding page limitations.

## **6. System Requirements**

While the system requirements may be set forth more completely in a User's Manual or other Court publication, it is expected that the following hardware and software will be needed to electronically file, view and retrieve documents in the electronic filing system:

- a. A computer running a Windows or a Macintosh operating system;
- b. Adobe Acrobat 5.0 or higher to convert documents from a word processor format to portable document format (PDF);
- c. A PDF-compatible word processor like Macintosh or Windows-based versions of WordPerfect or Microsoft Word;

- d. Netscape browser version 4.6x or 4.7x or Internet Explorer Version 5.5 (128 bit encryption is strongly recommended);
- e. Internet access; and
- f. Access to a scanner if non-computerized documents need to be imaged.

## **7. Filing of Initial Complaint / Payment of Filing Fee / Service of Summons**

Complaints shall be filed, fees paid, and summons issued and served in the traditional manner on paper rather than electronically (Local Rule 5.6).

## **8. Filing Documents Electronically**

Electronic transmission of a document consistent with the procedures adopted by the Court shall, upon the complete receipt of the same by the Clerk of Court, constitute filing of the document for all purposes of the Federal Rules of Civil Procedure and the Local Rules of this Court, and shall constitute entry of that document onto the docket maintained by the Clerk pursuant to FED.R.CIV.P. 58 and 79.

A receipt acknowledging that the document has been filed will immediately appear on the filer's screen. Parties are strongly encouraged to print or electronically save a copy of the receipt. Parties can also verify the filing of documents by inspecting the Court's electronic docket sheet. The Court may, upon the motion of a party or upon its own motion, strike any inappropriately filed document.

Documents filed electronically must be submitted in Adobe Acrobat PDF format. Filing documents electronically does not alter any filing deadlines. All electronic transmissions of documents must be completed (*i.e.* received completely by the Clerk's Office) prior to midnight of the local time of the division in which the case is pending in order to be considered timely filed that day (NOTE: time will be noted in Eastern Standard Time on the Court's docket. If you have filed a document prior to midnight local time of the division in which the case is pending and the document is due that date, but the electronic receipt and docket reflect the following calendar day, please contact the Court). Although parties can file documents electronically 24 hours a day, attorneys and parties are encouraged to file all documents during normal working hours of the Clerk's Office (8:30 a.m. to 5:00 p.m.).

## **9. Civil Docket**

Upon the filing of a document, a docket entry will be created using the information provided by the filing party. The Clerk of Court, where necessary and appropriate, will modify the docket entry description to comply with quality control standards.

## **10. System Availability**

The Court's system is designed to provide service 24 hours a day. The parties, however, are encouraged to file documents in advance of filing deadlines and during normal business hours. Questions regarding the electronic filing system and the registration process should be referred to the Electronic Case Filing Administrator, Wendy Carpentier, at (317) 229-3718. Technical difficulties should be referred to the Court's Help Desk, at (317) 229-3737. The Help Desk is staffed business days from 8:30 a.m. to 5:00 p.m.

## **11. Registration**

Attorneys seeking to file electronically must be admitted to practice in the U.S. District Court for the Southern District of Indiana and be in good standing. Each attorney seeking to file documents electronically must also submit a completed Electronic Case Files Attorney Registration Form (Appendix A). Regardless of the division in which the attorney most frequently practices, completed registration forms should be returned to:

Electronic Case Filing Administrator  
U.S. District Court  
46 East Ohio Street, Room 105  
Indianapolis, IN 46204

Registering attorneys will receive an Internet e-mail message indicating his/her login and password have been assigned; this is to insure that the attorney's Internet e-mail address has been entered correctly in the ECF System. Use of the login and password when filing documents will serve as that party's signature for purposes of FED.R.CIV.P.11. Parties agree to protect the security of their passwords and immediately notify the Clerk of Court if they learn that their password has been compromised.

## 12. Service of Electronically Filed Documents

By participating in the electronic filing process, the parties consent to the electronic service of all documents, and shall make available electronic mail addresses for service. Upon the filing of a document by a party, an e-mail message will be automatically generated by the electronic filing system and sent via electronic mail to the e-mail addresses of all registered parties who have appeared in the case. *It is the responsibility of the filing attorney to conventionally serve all parties who have not consented to electronic service* (the identity of these parties will be indicated on the filing receipt generated by the ECF system). In addition to receiving e-mail notifications of filing activity, the parties are strongly encouraged to sign on to the electronic filing system at regular intervals to check the docket in their case.

A certificate of service must be included with all documents filed electronically. Such certificate shall indicate that service was accomplished pursuant to the Court's electronic filing procedures. The party effectuates service on all registered parties by filing electronically. Service by electronic mail shall constitute service pursuant to FED.R.CIV.P. 5(b)(2)(D) and shall entitle the party being served to the additional three (3) days provided by FED.R.CIV.P. 6(e).

The following is a suggested format for a certificate of service for electronic filing:

### Certificate of Service

I hereby certify that on [date], a copy of the foregoing [name of document] was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

[List parties receiving service electronically]

I hereby certify that on [date] a copy of the foregoing [name of document] was mailed, by first class mail, postage prepaid and properly addressed to the following:

[List parties receiving conventional service]

s/ [Name of Password Registrant]

Name of Password Registrant

Law Firm Name

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

### 13. Format for Electronic Filings

Electronically filed documents must meet the requirements of FED. R. CIV. P. 10 (Form of Pleadings) and Local Rule 5.1 (General Format of Papers Presented for Filing) as if they had been submitted on paper. Documents filed electronically are also subject to any page limitations set forth by Court Order, by Local Rule 7.1 (Motion Practice), or Local Rule 56.1 (Summary Judgment Practice), as applicable.

A key objective of the electronic filing system is to ensure that as much of the case as possible is managed electronically. To facilitate electronic filing and retrieval, documents to be filed electronically are to be reasonably broken into their separate component parts. By way of example, most filings include a foundation document (*e.g.*, motion) and other supporting items (*e.g.*, exhibits). The foundation document as well as the supporting items are each separate components of the filing; supporting items should be filed as *attachments* to the foundation document. These exhibits or attachments should include only those excerpts of the referenced documents that are directly germane to the matter under consideration. [Note: Any component having an electronic file size that exceeds 1.5 megabytes may not be filed electronically. Local Rule 5.10]. The supporting items mentioned above should not be confused with memorandums or briefs in support of motions as outlined in Local Rule 7.1(a) or 56.1. These memorandums or briefs in support are to be filed as entirely separate documents pursuant to the appropriate rule.

Proposed Orders should be submitted as attachments to the foundation document. Whenever possible, they should be converted to PDF format directly from a word processing program (*e.g.*, Microsoft® Word or Corel WordPerfect®), rather than created from the scanned image of a paper document. The title of the document should clearly indicate that it is a proposed, rather than issued, Order. For technical guidance in creating PDF documents, please contact the CM/ECF Administrator at (317) 229-3718.

Where an individual component cannot be included in the electronic filing (*e.g.* the file size exceeds 1.5 megabytes or the component cannot be practically converted to electronic format), the filer shall electronically file the prescribed Notice of Manual Filing in place of that component. A model form is provided as Appendix B.

Note: Sealed documents should not be filed electronically. *See* Section 18 and Local Rule 5.3.

The following example illustrates the application of this section:

A party seeks to file a motion with four exhibits (A, B, C and D), and a Proposed Order. The motion is a text document that after conversion to Adobe PDF has a file size of 5kb. Exhibit A is a scanned image of a one page document that after conversion to PDF has a size of 200kb. Exhibit B is a scanned image of a 20 page document that after conversion to PDF has a size of 2mb. Exhibit C is a scanned image of a 10 page document that after conversion to PDF has a size of 1.2mb. Exhibit D represents an object that cannot be converted to digital format. The Proposed Order is a text document that after conversion to PDF has a file size of 45kb.

Each document should be kept as separate component (PDF file) rather than being merged together as one file in order to facilitate easy retrieval of any individual component. Each of the components, except for Exhibits B and D, should be filed electronically in one submission by filing the motion, and *attaching* Exhibits A and C, and the Proposed Order, through the electronic filing system.

Exhibit B, at 2mb, exceeds the 1.5mb file size standard for conveniently creating, filing and retrieving documents. Exhibit D cannot be scanned. In the electronic submission, Exhibits B and D should each be replaced by a Notice of Manual Filing form. Exhibit B should then be manually filed with the Court on paper and served upon the parties in the traditional, non-electronic manner. Exhibit D should be treated as it would if a traditional filing system were being used.

#### **14. Signature Block**

Use of the attorney's login and password when filing documents electronically serves in part as the attorney's signature for purposes of FED.R.CIV.P. 11, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

All documents filed electronically shall include a signature block and include the typewritten name, address, telephone number, facsimile number and e-mail address. In addition, the name of the password registrant under whose password the document is submitted should be preceded by a "s/" and typed in the space where the signature would otherwise appear.

s/ [Name of Password Registrant]

Name of Password Registrant

Law Firm Name

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

Documents requiring signatures of more than one party shall be filed either by submitting a scanned document containing all necessary signatures; by representing the consent of the other parties on the document; or by filing the document identifying the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing.



## **15. Manual Filings**

Parties otherwise participating in the electronic filing system may be excused from filing a particular component electronically under certain limited circumstances, such as when the component cannot be reduced to an electronic format or exceeds 1.5 Megabytes. Such components shall not be filed electronically, but instead shall be manually filed with the Clerk of Court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents.

Parties making a manual filing of a component shall file electronically a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically. A party may seek to have a component excluded from electronic filing pursuant to applicable Federal and Local Rules (*e.g.* FED.R.CIV.P. 26(c)). A model form is provided as Appendix B.

## **16. Technical Difficulties**

Parties are encouraged to file documents electronically during normal business hours, in case a problem is encountered. In the event a technical failure occurs, and despite the best efforts of the filing party a document cannot be filed electronically, the party should print (if possible) a copy of the error message received. In addition, as soon as practically possible, the party should file a "Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties." A form is available at Appendix C.

If a party is unable to file electronically and, as a result, may miss a filing deadline, the party must contact the Electronic Case Filing Administrator at (317) 229-3718 to inform her of the difficulty (after hours, please leave a message). If a party misses a filing deadline due to an inability to file electronically, the party may submit the untimely filed document, accompanied by a declaration stating the reason(s) for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline. A model form is provided in Appendix C.

## **17. Retention of Originals of Documents Requiring Scanning**

Originals of documents filed electronically which require scanning (*e.g.* documents that contain signatures such as affidavits) must be retained by the filing party and made available, upon request, to the Court and other parties for a period of two years following the expiration of all time periods for appeals (Local Rule 5.14).

## **18. Sealed Documents**

The filing of documents under seal is governed by Local Rule 5.3, which permits such filings only when authorized by statute, Court rule, or Court Order. Sealed documents will not be filed electronically, but rather manually. The party filing a sealed document shall file electronically a Notice of Manual Filing. The courtroom deputy to the District or Magistrate Judge should be contacted for instructions when filing certain *ex parte* documents which could not be disclosed by the electronic Notice of Manual Filing.

## **19. Additional Information**

Additional information and training arrangements for electronic filing can be obtained by calling the Electronic Case Filing Administrator, Wendy Carpentier, at 317-229-3718, or by writing to:

Electronic Case Filing Administrator  
United States District Court  
46 East Ohio Street, Room 105  
Indianapolis, IN 46204

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UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF INDIANA

**ELECTRONIC CASE FILING  
Attorney Registration Form**

This form shall be used to register for an account on the Court's Electronic Case Filing (ECF) system. Registered attorneys will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the Electronic Case Filing system. The following information is required for registration:

First/Middle/Last Name \_\_\_\_\_

Attorney Bar ID # \_\_\_\_\_ State \_\_\_\_\_

Firm Name \_\_\_\_\_

Firm Address \_\_\_\_\_

\_\_\_\_\_

Voice Phone Number \_\_\_\_\_

FAX Phone Number \_\_\_\_\_

Internet E-Mail Address \_\_\_\_\_

Basis under which attorney is permitted to practice law in the U.S.D.C. for Southern Indiana (check one):

☐ Admitted in INSD      ☐ Pro Hac Vice      ☐ Government Attorney

If Pro Hac Vice or Gov't Attorney, indicate the cause number for which admission has been granted:

Cause Number \_\_\_\_\_

By submitting this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the electronic filing system. The undersigned also consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5(b) and 77(d) via the Court's electronic filing system.

1. This system is for use only in cases permitted by the ***U.S. District Court for the Southern District of Indiana***. It may be used to file and view electronic documents, docket sheets, and notices. Please contact Wendy Carpentier at (317) 229-3718, to schedule training.

- 
2. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's ECF login and password issued by the court, serves in part as the attorney's signature, per Local Rule 5.11. Therefore, an attorney must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the court. The Court will immediately delete that password from the electronic filing system and issue a new password.
  3. An attorney's registration will not waive conventional service of a summons and complaint, subpoena, or other judicial process; submit the client to the jurisdiction of the Court; or operate as a consent to accept service of pleadings, documents, and orders in actions in which such attorney has not entered an appearance. An attorney's registration will constitute a waiver in law only of conventional service of other non-process pleadings, documents, and orders in the case. The attorney agrees to accept, on behalf of the client, service of notice of the electronic filing by hand, facsimile or authorized e-mail.
  4. Attorneys must be active members of the bar of this Court to file pleadings electronically.

Please return this form  
with original signature to:

U.S. District Court, Southern District of Indiana  
Attn: CM/ECF Administrator  
46 East Ohio Street  
Indianapolis, IN 46204

\*\*\*Photocopies and faxes WILL NOT be accepted.

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Attorney's Signature

NOTE: The information below will be used to generate a unique Login for use in accessing the ECF system. Please provide a four-digit number that is easy to remember, such as the last 4 digits of your Social Security Number.

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First Initial of First Name	Full Last Name	4 Digit Number
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## Appendix B

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA

_____	)	
Plaintiff(s),	)	
	)	
vs.	)	Case No.
	)	
_____	)	
Defendant(s)	)	

#### Notice of Manual Filing

Please take notice that [Plaintiff/Defendant, Name of Party] has manually filed the following document or thing: [Title of Document or Thing]

This document has not been filed electronically because [the document or thing cannot be converted to an electronic format/ the electronic file size of the document exceeds 1.5 megabytes/ the document or thing is filed under seal pursuant to LR 5.3/[Plaintiff/Defendant] is excused from filing this document or thing by Court Order.]

The document or thing has been manually served on all parties.

s/ [Name of Password Registrant]

Name of Password Registrant

Law Firm Name

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

## Appendix C

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA

_____	)	
Plaintiff(s),	)	
	)	
vs.	)	Case No.
	)	
_____	)	
Defendant(s)	)	

#### **Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties**

Please take notice that [Plaintiff/Defendant, Name of Party] was unable to file the attached [Title of Document] in a timely manner due to technical difficulties. The deadline for filing the [Title of Document] was [Filing Deadline Date]. The reason(s) that I was unable to file the [Title of Document] in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

s/ [Name of Password Registrant]

Name of Password Registrant

Law Firm Name

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx